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CLIENT/MATTER NUMBER
999100-0130

VIA HAND DELIVERY

Mr. Jeff S. Jordan
Supervisory Attorney
Complaints Examination & Legal Administration
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: MUR 5854

Dear Mr. Jordan:

Please find enclosed the Statement of Designation of Counsel of Lisa Schiffren, Director of Softer Voices, as well as a copy of the Statement of Designation of Counsel of Dr. John Templeton, previously received by your office, designating the undersigned to represent each of these Respondents in the above-captioned Matter Under Review ("MUR") 5854.

In response to the complaint herein, Respondents submit that contrary to the statement(s) in the Complaint, at page 7, paragraph 22, Dr. John Templeton is a citizen of the United States and a legal resident of the Commonwealth of Pennsylvania who is legally eligible to make contributions to federal candidates, committees and other organizations, including entities established under §527 of the Internal Revenue Code. For that reason, the complaint as against Dr. John Templeton must be dismissed. Dr. John Templeton of Bryn Mawr, PA is the individual who made contribution(s) to Softer Voices. The complaint erroneously confuses Dr. Templeton with his father who is not a citizen of the United States but who has made no contribution(s) to Softer Voices at any time.

Further, the Commission's regulations promulgated in November, 2004 which became effective on January 1, 2005 specifically rejected the premise of this complaint, namely, that a §527 entity's expenditures for communications that reference a federal candidate or, more specifically, that "promote, attack, support or oppose" ("PASO") a federal candidate would subject the entity to 'political committee' status under the Federal Election Campaign Act of 1971, as amended. ("the Act" or "FECA").

The Commission stated in its *Explanation & Justification* of regulations adopted in 2004 that it "did not adopt a rule addressing this subject". See 69 Fed. Reg. 60065, November 23, 2004.

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The Notice of Proposed Rulemaking on Political Committee Status, 69 FR 11736 (Mar. 11, 2004) ("NPRM") included two different versions of a rule regulating expenditures. See Proposed 11 CFR §100.116, NPRM at 11741-42 and 11757. Neither version was adopted.

In fact, the Commission specifically gave notice to the regulated community of its decision to reject as the determining factor for purposes of ascertaining political committee status the content of public communications that reference or PASO a federal candidate. Citizens have the right and the expectation to reasonably rely on the Commission's actions, statements and regulations and failure to promulgate regulations infringes on the constitutional rights of respondents. Respondent Softer Voices has relied in good faith upon the FEC's decision *not* to determine political committee status based on the content of an entity's public communications and cannot, pursuant to the Act, now be subject to sanction on the identical basis on which the Commission declined to promulgate a regulation. See 2 U.S.C. §438(e)

All contributions to Softer Voices are from individuals only and, as stated above, from individuals legally eligible to make contributions both to §527 political organizations as well as to federal candidates, political parties and political committees established under the Act.

Accordingly, and for the reasons stated herein, the complaint must be dismissed as against all Respondents.

Sincerely,

Cleta Mitchell, Esq.
Counsel to Softer Voices &
Dr. John Templeton

Enclosures



FEDERAL ELECTION COMMISSION

Office of General Counsel

909 E Street, NW

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STATEMENT OF DESIGNATION OF COUNSEL

Please use one form for each Respondent/Witness

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The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Oct 23 2006 Lisa Schiffren Director/Advisory Board Member
Date Signature Title

RESPONDENT/WITNESS NAME (PRINT): Lisa Schiffren, Board Member & Director

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Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 4379(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.